GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

MA & UD Dept. - Palamaneru Municipality – Land alienated to an extent of Ac .0.52 Cents in Sy.No.325/B3 and B4 to the APSTRC- Alienation Orders set aside - Revision Petition filed by the APSRTC dismissed- Orders- Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (J2) DEPARTMENT

G.O.MS.No. 460 Dated: 26-12-2017
Read the following:-

(1) G.O. Rt. No. 535, Municipal Administration & Urban Development (J1) Dept., dt. 8.7.1998.
(2) Proceedings of the Joint Collector, Chittoor, issued vide Roc. No. E1/1581/2000, dt. 08.05.2000.
(3) G.O. Rt. No. 10, Panchayat Raj & Rural Development (Pts.III) Dept., dt.05.01.2005.
(4) From the Engineer-in-Chief, Public Health, Hyderabad letter No.282/PLR/T4/2011, dt. 9.12.2011.
(5) G.O. Ms. No. 168, Municipal Administration & Urban Development (J1) Dept., dt. 27.4.2013.
(6) Supplement to the Chittoor District Gazette Notification No.66/2013, dt. 21.08.2013.
(7) From the Commissioner, Palamaner Municipality, Chittoor Dist. Letter Roc.No. 692/2009/G1, dt.8.11.2013, addressed to the Depot Manager, APSRTC, Palamaner.
(8) From the Hon'ble High Court of A.P. & Telangana, orders in WPMP No.56066/2016 in W.P. No. 45483/2016,dt.26.12.2016.
(9) From the Director of Municipal Administration, letter Roc. No. CDMA – 11030/I3/2017-J Sec-CDMA-2,Dt.13.08.2017.
(10) From the Collector & District Magistrate, Chittoor letter REVESECOALN(ALN)/96/2017-SA(E2)-CO LLC TR,Dt.31.10.2017.

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O R D E R:-

In the G.O. first read above, orders were issued for taking up construction of shopping complexes on valuable Municipal land as per the guidelines issued in the annexure to the G.O.

p.t.o

2. The Joint Collector, Chittoor in his proceedings 2nd read above, has alienated an extent of 0.52 cents o f land in Sy. No.325/B35 (0.42) and B36 (0.10) of Palamaner village & Mandal classified as Bandala Nettu to the Regional Manager, A.P . State Road Transport Corporation (AP SRTC), Tirupati pending approval of the Government and market rate as fixed by the Government.

3. In the G.O.third read above, based on the Revision Petition filed by the then Sarpanch, Palamaneru Gram Panchayat and in exercise of the powers conferred under sec. 246(1) and 264 of the A.P . Panchayat Raj Act,1994 Government have set aside the proceedings of the Joint Collector, Chittoor. Aggrieved by the said orders, the APSRTC has filed a Review Petition before the then Chief Secretary to Government, A.P. through the Principal Secretary to Govt. TR& B Dept. on 24.09.2005 to rescind / withdraw the orders issued in the G.O. 3rd read above.

4. Based on the guidelines issued in G.O.Rt.No.535, MA & UD Dept., dt.08-07-1998, the Palamaneru Municipality has resolved to construct a shopping complex in Palamaneru vide C.R.No.221, Dt:31.12.2009 and based on the said Council Resolution, in his Lr.dt.07-06-2011, the DT & CP , Hyd. has forwarded the approved plan bearing B.P.No.12/2011 for proposed Shopping Complexes in Sy.No.325/B3 & B4 near APSRTC Bus Stand, Palamaner and requested the Commissioner, Palamaneru to take further necessary action and adopt the same without any deviations in the matter. After obtaining tenders, the Municipal Council, Palamaner in its resolution No.63, dt:25.06.2011 has resolved to approve the name of M/s Asian Construction and Designers, Tirupathi as Consultants and they have prepared estimates at an estimated cost of Rs.290.00 lakhs and the same was sent to Engineer-in-Chief(PH) for technical sanction. In his Proc. Roc.No.692/2009/G1, dated 15-10-2011, the Collector & District Magistrate, Chittoor has appointed a Supervisory Committee with a direction to go through the guidelines issued in the G.O. first read above. In his letter dt.09-12-2011, the ENC (PH), Hyd. while approving the proposal, has requested the Commr., palamaneru Municipality to obtain the administrative sanction from the Govt.

5. In the G.O. 5th read above, Government have accorded administrative sanction for construction of shopping complex in the land at an extent of Ac.0.52 cents in Sy. No.325/B3 & B4 at RTC Bus Stand with an estimated cost of Rs.290.00 lakhs. The Dist Collector, Chittoor has also issued Gazette Notification vide Gazette No .66/2013 dt:21.08.2013. Accordingly, the

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Municipal Commissioner, Palamaneru has issued notice to the Depot Manager, APSRTC, Palamaneru stating that Palamaneru Municipality have decided to construct shopping complex under good will auction. The same was served on with proper acknowledgement.

6. In the reference 8th read above, the Hon'ble High Court in its interim orders in WP MP No .56066/2016 in W.P. No.45483/2016,dt.26.12.2016 filed by the A.P .S. R.T.C., have issued the following order:-

> *" … … … … . Having regard to these submissions, there shall be interim direction as prayed for. Till the review filed by petitioner- Corporation is decided by the Government, respondents 1 and 2 are directed not to interfere with the peaceful possession and enjoyment of the petitioner over the subject land. The 3 r d respondent (i.e Principal Secretary (PR &RWS)) is also directed to decide the Review petition, as expeditiously as possible, preferably within a period of four weeks."*

7. The Collector & District Magistrate, Chittoor in his letter 10th read above, has stated that the then Joint Collector, Chittoor has handed over the land to AP SRTC without getting resolution from the then Gram Panchayat of Palamaner, which is against rules and it was noticed during the inspection that AP SRTC had been allotted Ac. 12.12 o f land, which is sufficient to take care of next 50 years traffic to Palamaner. In the allotted land itself AP SRTC has allowed temporary construction which are being utilised as shops without being utilised for allotted purpose and some portion of the land is left unutilised by AP SRTC. Further, the Depot Manager, AP SRTC, Palamaner asked for land for future expansion, which can be done even with the existing unutilised land available with AP SRTC.

8. In the above circumstances , Government after careful examination of the matter and keeping in view of the provision under sec. 37 of A.P. Municipalities Act, 1965, hereby decide to reject the revision petition filed by the A.P .S.R.T.C. to rescind the orders issued in G.O. third read above as it deserves no consideration. Accordingly, Govt. hereby reject the revision petition filed by the APSRTC to rescind the orders issued in the reference 3rd read above as the ULB has already been permitted for construction of shopping complex in the said land for improving its revenues.

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9. The Director of Municipal Administration, A.P., Guntur and the Commissioner, Palamaner Municipality, Chittoor Dist. shall take further necessary action in the matter.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

R.KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director of Municipal Administration, A.P., Guntur
The Commissioner, Palamaner Municipality, Chittoor Dist.
Copy to:-
The Collector & District Magistrate, Chittoor
The Managing Director, APSRTC, RTC Bhavan,
Musheerabad, Hyderabad.
The Regional Manager, APSRTC, Tirupathi, CHittoor Dist.
The Panchayat Raj & Rural Development (Pts.III) Dept.
The OSD to M (MA)
The P.S. to Prl. Secy. to Govt., MA & UD
SC/SF

// FORWARDED BY ORDER //

SECTION OFFICER